

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MARCELLO TREBITSCH,
a/k/a "Yair Trebitsch,"

Defendant.

Affirmation

15 Mag. 1196

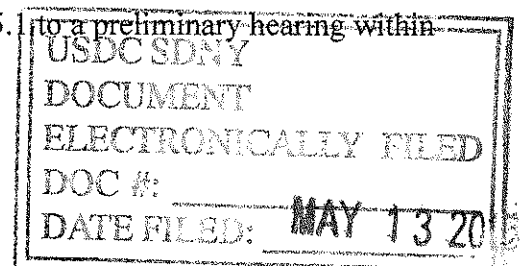
State of New York)
County of New York): ss.:
Southern District of New York)

Daniel S. Goldman, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury:

1. I am an Assistant U.S. Attorney in the Office of Preet Bharara, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. On April 10, 2015, defendant Marcello Trebitsch was charged by complaint with securities fraud, in violation of 15 U.S.C. §§ 78j(b) and 78ff, and wire fraud, in violation of 18 U.S.C. § 1343. Trebitsch was arrested on April 13, 2015, appeared in court before United States Magistrate Judge Debra C. Freeman, and was released the same day pursuant to a \$500,000 bond secured by three financially responsible persons and \$200,000 in property, as well as other bail conditions.

3. At the presentment on April 13, 2015, defense counsel consented to a waiver of his client's right pursuant to Federal Rule of Criminal Procedure 5.1 to a preliminary hearing within




21 days of the initial appearance, and Judge Freeman set a preliminary hearing date of May 13, 2015. Accordingly, under the Speedy Trial Act the Government has until May 13 to file an indictment or information.

4. Defense counsel and the Government have had discussions regarding a possible disposition of this case, and those discussions currently are ongoing. The negotiations have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on May 13.

5. Therefore, the Government is requesting a 30 day continuance until June 12, 2015, to continue the foregoing discussions and reach a disposition of this matter. On May 4, 2015, defense counsel consented to this request, and advised me that his client also has consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
May 12, 2015

A handwritten signature in black ink, appearing to read 'D. Goldman', is written over a horizontal line.

Daniel S. Goldman
Assistant U.S. Attorney
212-637-2289